

ELECTION MODIFICATIONS

2022 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill modifies or repeals certain provisions relating to election administration to reflect current practice and to make technical changes.

Highlighted Provisions:

This bill:

- ▶ modifies or repeals code provisions to reflect current practice in election administration; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

- 17-20-5**, as last amended by Laws of Utah 2000, Chapter 3
- 17B-1-306**, as last amended by Laws of Utah 2021, Chapters 84, 345, 355, and 415
- 20A-1-102**, as last amended by Laws of Utah 2020, Chapters 31, 49, 255, and 354
- 20A-1-509.3**, as enacted by Laws of Utah 1997, Chapter 139
- 20A-1-608**, as enacted by Laws of Utah 1993, Chapter 1
- 20A-1-611**, as last amended by Laws of Utah 2011, Chapter 396
- 20A-2-207**, as last amended by Laws of Utah 2020, Chapters 31 and 95
- 20A-3a-201**, as enacted by Laws of Utah 2020, Chapter 31
- 20A-3a-202**, as last amended by Laws of Utah 2021, Chapter 100
- 20A-3a-801**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 20A-4-306**, as last amended by Laws of Utah 2019, Chapter 433
- 20A-4-403**, as last amended by Laws of Utah 2007, Chapter 238

32 **20A-4-405**, as enacted by Laws of Utah 1993, Chapter 1
33 **20A-5-102**, as last amended by Laws of Utah 2020, Chapter 31
34 **20A-5-403**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20
35 **20A-5-406**, as last amended by Laws of Utah 2020, Chapter 31
36 **20A-5-601**, as last amended by Laws of Utah 2020, Chapter 31
37 **20A-7-211**, as last amended by Laws of Utah 2019, Chapter 206
38 **20A-9-503**, as last amended by Laws of Utah 2020, Chapter 22
39 **20A-11-202**, as last amended by Laws of Utah 2011, Chapter 347
40 **20A-11-901**, as last amended by Laws of Utah 2019, Chapter 154
41 **20A-15-104**, as last amended by Laws of Utah 2009, Chapter 202
42 **67-1a-2**, as last amended by Laws of Utah 2020, Chapters 49 and 352
43 **67-1a-3**, as enacted by Laws of Utah 1984, Chapter 68

44 REPEALS:

45 **20A-16-406**, as last amended by Laws of Utah 2020, Chapter 31
46 **20A-16-407**, as last amended by Laws of Utah 2020, Chapter 31
47 **67-1a-14**, as last amended by Laws of Utah 2016, Chapter 348

49 *Be it enacted by the Legislature of the state of Utah:*

50 Section 1. Section **17-20-5** is amended to read:

51 **17-20-5. Report of election and appointment of officers.**

52 Within 10 days after the day on which a county clerk issues a certificate of election or a
53 certificate of appointment made to fill vacancies in elective county offices, the county clerk
54 shall ~~[prepare and forward to]~~ notify the lieutenant governor ~~[a certified report showing]~~ of the
55 following:

- 56 (1) the name of the county;
57 (2) the name of the county office to which the ~~[person]~~ individual was elected or
58 appointed;
59 (3) the date of the election or appointment of the ~~[person]~~ individual;
60 (4) the date of the expiration of the term for which the ~~[person]~~ individual was elected
61 or appointed;
62 (5) the date of the certificate of election or appointment; and

(6) the date of the qualification of the ~~[person]~~ individual elected or appointed.

Section 2. Section **17B-1-306** is amended to read:

17B-1-306. Local district board -- Election procedures.

(1) Except as provided in Subsection (12), each elected board member shall be selected as provided in this section.

(2) (a) Each election of a local district board member shall be held:

(i) at the same time as the municipal general election or the regular general election, as applicable; and

(ii) at polling places designated by the local district board in consultation with the county clerk for each county in which the local district is located, which polling places shall coincide with municipal general election or regular general election polling places, as applicable, whenever feasible.

(b) The local district board, in consultation with the county clerk, may consolidate two or more polling places to enable voters from more than one district to vote at one consolidated polling place.

(c) (i) Subject to Subsections (5)(h) and (i), the number of polling places under Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one polling place per division of the district, designated by the district board.

(ii) Each polling place designated by an irrigation district board under Subsection (2)(c)(i) shall coincide with a polling place designated by the county clerk under Subsection (2)(a)(ii).

(3) The clerk of each local district with a board member position to be filled at the next municipal general election or regular general election, as applicable, shall provide notice of:

(a) each elective position of the local district to be filled at the next municipal general election or regular general election, as applicable;

(b) the constitutional and statutory qualifications for each position; and

(c) the dates and times for filing a declaration of candidacy.

(4) The clerk of the local district shall publish the notice described in Subsection (3):

(a) by posting the notice on the Utah Public Notice Website created in Section 63A-16-601, for 10 days before the first day for filing a declaration of candidacy; and

(b) by posting the notice in at least five public places within the local district at least 10

94 days before the first day for filing a declaration of candidacy; and

95 (c) if the local district has a website, on the local district's website for 10 days before
96 the first day for filing a declaration of candidacy.

97 (5) (a) Except as provided in Subsection (5)(c), to become a candidate for an elective
98 local district board position, an individual shall file a declaration of candidacy in person with
99 an official designated by the local district, during office hours, within the candidate filing
100 period for the applicable election year in which the election for the local district board is held.

101 (b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the
102 filing time shall be extended until the close of normal office hours on the following regular
103 business day.

104 (c) Subject to Subsection (5)(f), an individual may designate an agent to file a
105 declaration of candidacy with the official designated by the local district if:

106 (i) the individual is located outside of the state during the entire filing period;

107 (ii) the designated agent appears in person before the official designated by the local
108 district; and

109 (iii) the individual communicates with the official designated by the local district using
110 an electronic device that allows the individual and official to see and hear each other.

111 (d) (i) Before the filing officer may accept any declaration of candidacy from an
112 individual, the filing officer shall:

113 (A) read to the individual the constitutional and statutory qualification requirements for
114 the office that the individual is seeking; and

115 (B) require the individual to state whether the individual meets those requirements.

116 (ii) If the individual does not meet the qualification requirements for the office, the
117 filing officer may not accept the individual's declaration of candidacy.

118 (iii) If it appears that the individual meets the requirements of candidacy, the filing
119 officer shall accept the individual's declaration of candidacy.

120 (e) The declaration of candidacy shall be in substantially the following form:

121 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
122 _____, City of _____, County of _____, state of Utah, (Zip
123 Code) _____, (Telephone Number, if any) _____; that I meet the qualifications for the
124 office of board of trustees member for _____ (state the name of the local

district); that I am a candidate for that office to be voted upon at the next election; and that, if filing via a designated agent, I will be out of the state of Utah during the entire candidate filing period, and I hereby request that my name be printed upon the official ballot for that election.

(Signed) _____

Subscribed and sworn to (or affirmed) before me by _____ on this _____ day of _____, ____.

(Signed) _____

(Clerk or Notary Public)".

(f) An agent designated under Subsection (5)(c) may not sign the form described in Subsection (5)(e).

(g) Each individual wishing to become a valid write-in candidate for an elective local district board position is governed by Section 20A-9-601.

(h) If at least one individual does not file a declaration of candidacy as required by this section, an individual shall be appointed to fill that board position in accordance with the appointment provisions of Section 20A-1-512.

(i) If only one candidate files a declaration of candidacy and there is no write-in candidate who complies with Section 20A-9-601, the board, in accordance with Section 20A-1-206, may:

(i) consider the candidate to be elected to the position; and

(ii) cancel the election.

(6) (a) A primary election may be held if:

(i) the election is authorized by the local district board; and

(ii) the number of candidates for a particular local board position or office exceeds twice the number of persons needed to fill that position or office.

(b) The primary election shall be conducted:

(i) on the same date as the municipal primary election or the regular primary election, as applicable; and

(ii) according to the procedures for primary elections provided under Title 20A, Election Code.

(7) (a) Except as provided in Subsection (7)(c), within one business day after the deadline for filing a declaration of candidacy, the local district clerk shall certify the candidate

names to the clerk of each county in which the local district is located.

(b) (i) Except as provided in Subsection (7)(c) and in accordance with Section 20A-6-305, the clerk of each county in which the local district is located and the local district clerk shall coordinate the placement of the name of each candidate for local district office in the nonpartisan section of the ballot with the appropriate election officer.

(ii) If consolidation of the local district election ballot with the municipal general election ballot or the regular general election ballot, as applicable, is not feasible, the local district board of trustees, in consultation with the county clerk, shall provide for a separate local district election ballot to be administered by poll workers at polling ~~locations~~ places designated under Subsection (2).

(c) (i) Subsections (7)(a) and (b) do not apply to an election of a member of the board of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

(ii) (A) Subject to Subsection (7)(c)(ii)(B), the board of each irrigation district shall prescribe the form of the ballot for each board member election.

(B) Each ballot for an election of an irrigation district board member shall be in a nonpartisan format.

(C) The name of each candidate shall be placed on the ballot in the order specified under Section 20A-6-305.

(8) (a) Each voter at an election for a board of trustees member of a local district shall:

(i) be a registered voter within the district, except for an election of:

(A) an irrigation district board of trustees member; or

(B) a basic local district board of trustees member who is elected by property owners;

and

(ii) meet the requirements to vote established by the district.

(b) Each voter may vote for as many candidates as there are offices to be filled.

(c) The candidates who receive the highest number of votes are elected.

(9) Except as otherwise provided by this section, the election of local district board members is governed by Title 20A, Election Code.

(10) (a) Except as provided in Subsection 17B-1-303(8), a person elected to serve on a local district board shall serve a four-year term, beginning at noon on the January 1 after the person's election.

(b) A person elected shall be sworn in as soon as practical after January 1.

(11) (a) Except as provided in Subsection (11)(b), each local district shall reimburse the county or municipality holding an election under this section for the costs of the election attributable to that local district.

(b) Each irrigation district shall bear the district's own costs of each election the district holds under this section.

(12) This section does not apply to an improvement district that provides electric or gas service.

(13) Except as provided in Subsection 20A-3a-605(1)(b), the provisions of Title 20A, Chapter 3a, Part 6, Early Voting, do not apply to an election under this section.

(14) (a) As used in this Subsection (14), "board" means:

(i) a local district board; or

(ii) the administrative control board of a special service district that has elected members on the board.

(b) A board may hold elections for membership on the board at a regular general election instead of a municipal general election if the board submits an application to the lieutenant governor that:

(i) requests permission to hold elections for membership on the board at a regular general election instead of a municipal general election; and

(ii) indicates that holding elections at the time of the regular general election is beneficial, based on potential cost savings, a potential increase in voter turnout, or another material reason.

(c) Upon receipt of an application described in Subsection (14)(b), the lieutenant governor may approve the application if the lieutenant governor concludes that holding the elections at the regular general election is beneficial based on the criteria described in Subsection (14)(b)(ii).

(d) If the lieutenant governor approves a board's application described in this section:

(i) all future elections for membership on the board shall be held at the time of the regular general election; and

(ii) the board may not hold elections at the time of a municipal general election unless the board receives permission from the lieutenant governor to hold all future elections for

membership on the board at a municipal general election instead of a regular general election, under the same procedure, and by applying the same criteria, described in this Subsection (14).

(15) (a) This Subsection (15) applies to a local district if:

(i) the local district's board members are elected by the owners of real property, as provided in Subsection 17B-1-1402(1)(b); and

(ii) the local district was created before January 1, 2020.

(b) The board of a local district described in Subsection (15)(a) may conduct an election:

(i) to fill a board member position that expires at the end of the term for that board member's position; and

(ii) notwithstanding Subsection 20A-1-512(1)(a)(i), to fill a vacancy in an unexpired term of a board member.

(c) An election under Subsection (15)(b) may be conducted as determined by the local district board, subject to Subsection (15)(d).

(d) (i) The local district board shall provide to property owners eligible to vote at the local district election:

(A) notice of the election; and

(B) a form to nominate an eligible individual to be elected as a board member.

(ii) (A) The local district board may establish a deadline for a property owner to submit a nomination form.

(B) A deadline under Subsection (15)(d)(ii)(A) may not be earlier than 15 days after the board provides the notice and nomination form under Subsection (15)(d)(i).

(iii) (A) After the deadline for submitting nomination forms, the local district board shall provide a ballot to all property owners eligible to vote at the local district election.

(B) A local district board shall allow at least five days for ballots to be returned.

(iv) A local district board shall certify the results of an election under this Subsection (15) during an open meeting of the board.

Section 3. Section **20A-1-102** is amended to read:

20A-1-102. Definitions.

As used in this title:

(1) "Active voter" means a registered voter who has not been classified as an inactive

249 voter by the county clerk.

250 (2) "Automatic tabulating equipment" means apparatus that automatically examines
251 and counts votes recorded on ballots and tabulates the results.

252 (3) (a) "Ballot" means the storage medium, including a paper, mechanical, or electronic
253 storage medium, that records an individual voter's vote.

254 (b) "Ballot" does not include a record to tally multiple votes.

255 (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
256 on the ballot for their approval or rejection including:

257 (a) an opinion question specifically authorized by the Legislature;

258 (b) a constitutional amendment;

259 (c) an initiative;

260 (d) a referendum;

261 (e) a bond proposition;

262 (f) a judicial retention question;

263 (g) an incorporation of a city or town; or

264 (h) any other ballot question specifically authorized by the Legislature.

265 (5) "Bind," "binding," or "bound" means securing more than one piece of paper
266 together using staples or another means in at least three places across the top of the paper in the
267 blank space reserved for securing the paper.

268 (6) "Board of canvassers" means the entities established by Sections 20A-4-301 and
269 20A-4-306 to canvass election returns.

270 (7) "Bond election" means an election held for the purpose of approving or rejecting
271 the proposed issuance of bonds by a government entity.

272 (8) "Business reply mail envelope" means an envelope that may be mailed free of
273 charge by the sender.

274 (9) "Canvass" means the review of election returns and the official declaration of
275 election results by the board of canvassers.

276 (10) "Canvassing judge" means a poll worker designated to assist in counting ballots at
277 the canvass.

278 (11) "Contracting election officer" means an election officer who enters into a contract
279 or interlocal agreement with a provider election officer.

280 (12) "Convention" means the political party convention at which party officers and
281 delegates are selected.

282 (13) "Counting center" means one or more locations selected by the election officer in
283 charge of the election for the automatic counting of ballots.

284 (14) "Counting judge" means a poll worker designated to count the ballots during
285 election day.

286 (15) "Counting room" means a suitable and convenient private place or room for use
287 by the poll workers and counting judges to count ballots.

288 (16) "County officers" means those county officers that are required by law to be
289 elected.

290 (17) "Date of the election" or "election day" or "day of the election":

291 (a) means the day that is specified in the calendar year as the day that the election
292 occurs; and

293 (b) does not include:

294 (i) deadlines established for voting by mail, military-overseas voting, or emergency
295 voting; or

296 (ii) any early voting or early voting period as provided under Chapter 3a, Part 6, Early
297 Voting.

298 (18) "Elected official" means:

299 (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6,
300 Municipal Alternate Voting Methods Pilot Project;

301 (b) a person who is considered to be elected to a municipal office in accordance with
302 Subsection 20A-1-206(1)(c)(ii); or

303 (c) a person who is considered to be elected to a local district office in accordance with
304 Subsection 20A-1-206(3)(c)(ii).

305 (19) "Election" means a regular general election, a municipal general election, a
306 statewide special election, a local special election, a regular primary election, a municipal
307 primary election, and a local district election.

308 (20) "Election Assistance Commission" means the commission established by the Help
309 America Vote Act of 2002, Pub. L. No. 107-252.

310 (21) "Election cycle" means the period beginning on the first day persons are eligible to

311 file declarations of candidacy and ending when the canvass is completed.

312 (22) "Election judge" means a poll worker that is assigned to:

313 (a) preside over other poll workers at a polling place;

314 (b) act as the presiding election judge; or

315 (c) serve as a canvassing judge, counting judge, or receiving judge.

316 (23) "Election officer" means:

317 (a) the lieutenant governor, for all statewide ballots and elections;

318 (b) the county clerk for:

319 (i) a county ballot and election; and

320 (ii) a ballot and election as a provider election officer as provided in Section

321 20A-5-400.1 or 20A-5-400.5;

322 (c) the municipal clerk for:

323 (i) a municipal ballot and election; and

324 (ii) a ballot and election as a provider election officer as provided in Section

325 20A-5-400.1 or 20A-5-400.5;

326 (d) the local district clerk or chief executive officer for:

327 (i) a local district ballot and election; and

328 (ii) a ballot and election as a provider election officer as provided in Section

329 20A-5-400.1 or 20A-5-400.5; or

330 (e) the business administrator or superintendent of a school district for:

331 (i) a school district ballot and election; and

332 (ii) a ballot and election as a provider election officer as provided in Section

333 20A-5-400.1 or 20A-5-400.5.

334 (24) "Election official" means any election officer, election judge, or poll worker.

335 (25) "Election results" means:

336 (a) for an election other than a bond election, the count of votes cast in the election and

337 the election returns requested by the board of canvassers; or

338 (b) for bond elections, the count of those votes cast for and against the bond

339 proposition plus any or all of the election returns that the board of canvassers may request.

340 (26) "Election returns" includes the pollbook, the military and overseas absentee voter

341 registration and voting certificates, one of the tally sheets, any unprocessed ballots, all counted

ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form.

(27) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(28) "Inactive voter" means a registered voter who is listed as inactive by a county clerk under Subsection 20A-2-306(4)(c)(i) or (ii).

(29) "Judicial office" means the office filled by any judicial officer.

(30) "Judicial officer" means any justice or judge of a court of record or any county court judge.

(31) "Local district" means a local government entity under Title 17B, Limited Purpose Local Government Entities - Local Districts, and includes a special service district under Title 17D, Chapter 1, Special Service District Act.

(32) "Local district officers" means those local district board members that are required by law to be elected.

(33) "Local election" means a regular county election, a regular municipal election, a municipal primary election, a local special election, a local district election, and a bond election.

(34) "Local political subdivision" means a county, a municipality, a local district, or a local school district.

(35) "Local special election" means a special election called by the governing body of a local political subdivision in which all registered voters of the local political subdivision may vote.

(36) "Manual ballot" means a paper document produced by an election officer on which an individual records an individual's vote by directly placing a mark on the paper document using a pen or other marking instrument.

(37) "Mechanical ballot" means a record, including a paper record, electronic record, or mechanical record, that:

(a) is created via electronic or mechanical means; and

(b) records an individual voter's vote cast via a method other than an individual directly placing a mark, using a pen or other marking instrument, to record an individual voter's vote.

- 373 (38) "Municipal executive" means:
- 374 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;
- 375 (b) the mayor in the council-manager form of government defined in Subsection
- 376 10-3b-103(7); or
- 377 (c) the chair of a metro township form of government defined in Section 10-3b-102.
- 378 (39) "Municipal general election" means the election held in municipalities and, as
- 379 applicable, local districts on the first Tuesday after the first Monday in November of each
- 380 odd-numbered year for the purposes established in Section 20A-1-202.
- 381 (40) "Municipal legislative body" means:
- 382 (a) the council of the city or town in any form of municipal government; or
- 383 (b) the council of a metro township.
- 384 (41) "Municipal office" means an elective office in a municipality.
- 385 (42) "Municipal officers" means those municipal officers that are required by law to be
- 386 elected.
- 387 (43) "Municipal primary election" means an election held to nominate candidates for
- 388 municipal office.
- 389 (44) "Municipality" means a city, town, or metro township.
- 390 (45) "Official ballot" means the ballots distributed by the election officer for voters to
- 391 record their votes.
- 392 (46) "Official endorsement" means the information on the ballot that identifies:
- 393 (a) the ballot as an official ballot;
- 394 (b) the date of the election; and
- 395 (c) (i) for a ballot prepared by an election officer other than a county clerk, the
- 396 facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or
- 397 (ii) for a ballot prepared by a county clerk, the words required by Subsection
- 398 20A-6-301(1)(b)(iii).
- 399 (47) "Official register" means the official record furnished to election officials by the
- 400 election officer that contains the information required by Section 20A-5-401.
- 401 (48) "Political party" means an organization of registered voters that has qualified to
- 402 participate in an election by meeting the requirements of Chapter 8, Political Party Formation
- 403 and Procedures.

(49) (a) "Poll worker" means a person assigned by an election official to assist with an election, voting, or counting votes.

(b) "Poll worker" includes election judges.

(c) "Poll worker" does not include a watcher.

(50) "Pollbook" means a record of the names of voters in the order that they appear to cast votes.

(51) "Polling place" means a building where voting is conducted.

(52) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter marks the voter's choice.

(53) "Presidential Primary Election" means the election established in Chapter 9, Part 8, Presidential Primary Election.

(54) "Primary convention" means the political party conventions held during the year of the regular general election.

(55) "Protective counter" means a separate counter, which cannot be reset, that:

(a) is built into a voting machine; and

(b) records the total number of movements of the operating lever.

(56) "Provider election officer" means an election officer who enters into a contract or interlocal agreement with a contracting election officer to conduct an election for the contracting election officer's local political subdivision in accordance with Section 20A-5-400.1.

(57) "Provisional ballot" means a ballot voted provisionally by a person:

(a) whose name is not listed on the official register at the polling place;

(b) whose legal right to vote is challenged as provided in this title; or

(c) whose identity was not sufficiently established by a poll worker.

(58) "Provisional ballot envelope" means an envelope printed in the form required by Section 20A-6-105 that is used to identify provisional ballots and to provide information to verify a person's legal right to vote.

(59) (a) "Public figure" means an individual who, due to the individual being considered for, holding, or having held a position of prominence in a public or private capacity, or due to the individual's celebrity status, has an increased risk to the individual's safety.

(b) "Public figure" does not include an individual:

(i) elected to public office; or

(ii) appointed to fill a vacancy in an elected public office.

(60) "Qualify" or "qualified" means to take the oath of office and begin performing the duties of the position for which the individual was elected.

(61) "Receiving judge" means the poll worker that checks the voter's name in the official register at a polling ~~[location]~~ place and provides the voter with a ballot.

(62) "Registration form" means a form by which an individual may register to vote under this title.

(63) "Regular ballot" means a ballot that is not a provisional ballot.

(64) "Regular general election" means the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year for the purposes established in Section 20A-1-201.

(65) "Regular primary election" means the election, held on the date specified in Section 20A-1-201.5, to nominate candidates of political parties and candidates for nonpartisan local school board positions to advance to the regular general election.

(66) "Resident" means a person who resides within a specific voting precinct in Utah.

(67) "Return envelope" means the envelope, described in Subsection 20A-3a-202(4), provided to a voter with a manual ballot:

(a) into which the voter places the manual ballot after the voter has voted the manual ballot in order to preserve the secrecy of the voter's vote; and

(b) that includes the voter affidavit and a place for the voter's signature.

(68) "Sample ballot" means a mock ballot similar in form to the official ballot printed and distributed as provided in Section 20A-5-405.

(69) "Special election" means an election held as authorized by Section 20A-1-203.

(70) "Spoiled ballot" means each ballot that:

(a) is spoiled by the voter;

(b) is unable to be voted because it was spoiled by the printer or a poll worker; or

(c) lacks the official endorsement.

(71) "Statewide special election" means a special election called by the governor or the Legislature in which all registered voters in Utah may vote.

(72) "Tabulation system" means a device or system designed for the sole purpose of

466 tabulating votes cast by voters at an election.

467 (73) "Ticket" means a list of:

468 (a) political parties;

469 (b) candidates for an office; or

470 (c) ballot propositions.

471 (74) "Transfer case" means the sealed box used to transport voted ballots to the
472 counting center.

473 (75) "Vacancy" means the absence of a person to serve in any position created by
474 statute, whether that absence occurs because of death, disability, disqualification, resignation,
475 or other cause.

476 (76) "Valid voter identification" means:

477 (a) a form of identification that bears the name and photograph of the voter which may
478 include:

479 (i) a currently valid Utah driver license;

480 (ii) a currently valid identification card that is issued by:

481 (A) the state; or

482 (B) a branch, department, or agency of the United States;

483 (iii) a currently valid Utah permit to carry a concealed weapon;

484 (iv) a currently valid United States passport; or

485 (v) a currently valid United States military identification card;

486 (b) one of the following identification cards, whether or not the card includes a
487 photograph of the voter:

488 (i) a valid tribal identification card;

489 (ii) a Bureau of Indian Affairs card; or

490 (iii) a tribal treaty card; or

491 (c) two forms of identification not listed under Subsection (76)(a) or (b) but that bear
492 the name of the voter and provide evidence that the voter resides in the voting precinct, which
493 may include:

494 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
495 election;

496 (ii) a bank or other financial account statement, or a legible copy thereof;

- (iii) a certified birth certificate;
- (iv) a valid social security card;
- (v) a check issued by the state or the federal government or a legible copy thereof;
- (vi) a paycheck from the voter's employer, or a legible copy thereof;
- (vii) a currently valid Utah hunting or fishing license;
- (viii) certified naturalization documentation;
- (ix) a currently valid license issued by an authorized agency of the United States;
- (x) a certified copy of court records showing the voter's adoption or name change;
- (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- (xii) a currently valid identification card issued by:
 - (A) a local government within the state;
 - (B) an employer for an employee; or
 - (C) a college, university, technical school, or professional school located within the

state; or

- (xiii) a current Utah vehicle registration.

(77) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate by following the procedures and requirements of this title.

- (78) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:

- (a) mailing the ballot to the location designated in the mailing; or
- (b) depositing the ballot in a ballot drop box designated by the election officer.

- (79) "Voter" means an individual who:

- (a) meets the requirements for voting in an election;
- (b) meets the requirements of election registration;
- (c) is registered to vote; and
- (d) is listed in the official register book.

(80) "Voter registration deadline" means the registration deadline provided in Section 20A-2-102.5.

(81) "Voting area" means the area within six feet of the voting booths, voting machines, and ballot box.

- (82) "Voting booth" means:

- (a) the space or compartment within a polling place that is provided for the preparation

528 of ballots, including the voting enclosure or curtain; or

529 (b) a voting device that is free standing.

530 (83) "Voting device" means any device provided by an election officer for a voter to
531 vote a mechanical ballot.

532 (84) "Voting precinct" means the smallest geographical voting unit, established under
533 Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.

534 (85) "Watcher" means an individual who complies with the requirements described in
535 Section 20A-3a-801 to become a watcher for an election.

536 (86) "Write-in ballot" means a ballot containing any write-in votes.

537 (87) "Write-in vote" means a vote cast for an individual, whose name is not printed on
538 the ballot, in accordance with the procedures established in this title.

539 Section 4. Section **20A-1-509.3** is amended to read:

540 **20A-1-509.3. Procedure for making interim replacement.**

541 (1) Until the vacancy is filled as provided in Section 20A-1-509.1 or 20A-1-509.2 and
542 the new county attorney or district attorney has qualified, the county legislative body may
543 appoint an interim replacement to fill the vacant office by following the procedures and
544 requirements of this ~~[subsection]~~ Subsection (1).

545 (a) The county legislative body shall appoint a deputy county or district attorney to
546 serve as acting county or district attorney if there are at least three deputies in the office that
547 has the vacancy.

548 (b) The county legislative body may contract with any member of the Utah State Bar in
549 good standing to be acting county or district attorney if:

550 (i) there are not at least three deputies in the office that has the vacancy; or

551 (ii) there are three or more deputies in the office but none of the deputies is willing to
552 serve.

553 (2) ~~[A person]~~ An individual appointed as interim replacement under this section shall
554 hold office until ~~[his]~~ a successor is selected and has qualified.

555 Section 5. Section **20A-1-608** is amended to read:

556 **20A-1-608. Promises of appointment to office forbidden.**

557 (1) ~~[He]~~ An individual may not, in order to aid or promote ~~[his]~~ the individual's

558 nomination or election, ~~[a person may not]~~ directly or indirectly appoint or promise to appoint

[any person] an individual or secure or promise to secure, or aid in securing the appointment, nomination, or election of [any person] an individual to any public or private position or employment, or to any position of honor, trust, or emolument.

(2) Nothing contained in this section prevents:

(a) a candidate from stating publicly [~~his~~] the candidate's preference for, or support of, any other candidate for any office to be voted for at the same primary or election; or

(b) a candidate for any office in which the [~~person~~] individual elected will be charged with the duty of participating in the election or nomination of [any person] an individual as a candidate for any office from publicly stating or pledging [~~his~~] the candidate's preference for, or support of, [any person] an individual for that office or nomination.

Section 6. Section **20A-1-611** is amended to read:

20A-1-611. Cost of defense of action.

Nothing contained in this chapter prevents any candidate from employing counsel to represent [~~him~~] the candidate in any action or proceeding affecting [~~his~~] the candidate's rights as a candidate or from paying all costs and disbursements arising from that representation.

Section 7. Section **20A-2-207** is amended to read:

20A-2-207. Registration by provisional ballot.

(1) Except as provided in Subsection (6), an individual who is not registered to vote may register to vote, and vote, on election day or during the early voting period described in Section 20A-3a-601, by voting a provisional ballot, if:

(a) the individual is otherwise legally entitled to vote the ballot;

(b) the ballot is identical to the ballot for the precinct in which the individual resides;

(c) the information on the provisional ballot form is complete; and

(d) the individual provides valid voter identification and proof of residence to the poll worker.

(2) If a provisional ballot and the individual who voted the ballot comply with the requirements described in Subsection (1), the election officer shall:

(a) consider the provisional ballot a voter registration form;

(b) place the ballot with the other ballots, to be counted with those ballots at the canvass; and

(c) as soon as reasonably possible, register the individual to vote.

(3) Except as provided in Subsection (4), the election officer shall retain a provisional ballot form, uncounted, for the period specified in Section 20A-4-202, if the election officer determines that the individual who voted the ballot:

(a) is not registered to vote and is not eligible for registration under this section; or

(b) is not legally entitled to vote the ballot that the individual voted.

(4) Subsection (3) does not apply if a court orders the election officer to produce or count the provisional ballot.

(5) The lieutenant governor shall report to the Government Operations Interim Committee on or before October 31, 2020, regarding:

(a) implementation of registration by provisional ballot, as described in this section, on a statewide basis;

(b) any difficulties resulting from the implementation described in Subsection (5)(a);

(c) the effect of registration by provisional ballot on voter participation in Utah;

(d) the number of ballots cast by voters who registered by provisional ballot:

(i) during the early voting period described in Section 20A-3a-601; and

(ii) on election day; and

(e) suggested changes in the law relating to registration by provisional ballot.

(6) For an election administered by an election officer other than a county clerk:

(a) if the election officer does not operate a polling ~~[location]~~ place to allow early voting, the individual may not register to vote, under this section, during an early voting period; and

(b) if the election officer does not operate a polling ~~[location]~~ place on election day, the individual may not register to vote, under this section, on election day.

Section 8. Section **20A-3a-201** is amended to read:

20A-3a-201. Voting methods.

(1) Except for an election conducted entirely by mail under Section 20A-7-609.5, a voter may vote as follows:

(a) by mail;

(b) at a polling ~~[location]~~ place during early voting hours;

(c) at a polling ~~[location]~~ place on election day when the polls are open;

(d) if the voter is an individual with a disability, by voting remotely, via a mechanical

621 ballot or via electronic means if approved by the election officer;

622 (e) electronically or via a federal write-in absentee ballot if the voter is a covered voter,
623 as defined in Section 20A-16-102; or

624 (f) by emergency ballot, in accordance with Part 3, Emergency Ballots.

625 (2) A voter may not vote at a polling place if the voter voted by mail or in a manner
626 described in Subsections (1)(d) through (f).

627 Section 9. Section **20A-3a-202** is amended to read:

628 **20A-3a-202. Conducting election by mail.**

629 (1) Except as otherwise provided for an election conducted entirely by mail under
630 Section 20A-7-609.5, an election officer shall administer an election primarily by mail, in
631 accordance with this section.

632 (2) An election officer who administers an election:

633 (a) shall in accordance with Subsection (3), no sooner than 21 days before election day
634 and no later than seven days before election day, mail to each active voter within a voting
635 precinct:

636 (i) a manual ballot;

637 (ii) a return envelope;

638 (iii) instructions for returning the ballot that include an express notice about any
639 relevant deadlines that the voter must meet in order for the voter's vote to be counted;

640 (iv) for an election administered by a county clerk, information regarding the location
641 and hours of operation of any election day voting center at which the voter may vote or a
642 website address where the voter may view this information;

643 (v) for an election administered by an election officer other than a county clerk, if the
644 election officer does not operate a polling ~~[location]~~ place or an election day voting center, a
645 warning, on a separate page of colored paper in bold face print, indicating that if the voter fails
646 to follow the instructions included with the ballot, the voter will be unable to vote in that
647 election because there will be no polling place for the voting precinct on the day of the
648 election; and

649 (vi) after May 1, 2022, instructions on how a voter may sign up to receive electronic
650 ballot status notifications via the ballot tracking system described in Section 20A-3a-401.5; and

651 (b) may not mail a ballot under this section to:

(i) an inactive voter, unless the inactive voter requests a manual ballot; or

(ii) a voter whom the election officer is prohibited from sending a ballot under

Subsection (10)(c)(ii).

(3) (a) An election officer who mails a manual ballot under Subsection (2) shall mail the manual ballot to the address:

(i) provided at the time of registration; or

(ii) if, at or after the time of registration, the voter files an alternate address request form described in Subsection (3)(b), the alternate address indicated on the form.

(b) The lieutenant governor shall make available to voters an alternate address request form that permits a voter to request that the election officer mail the voter's ballot to a location other than the voter's residence.

(c) A voter shall provide the completed alternate address request form to the election officer no later than 11 days before the day of the election.

(4) The return envelope shall include:

(a) the name, official title, and post office address of the election officer on the front of the envelope;

(b) a space where a voter may write an email address and phone number by which the election officer may contact the voter if the voter's ballot is rejected;

(c) a printed affidavit in substantially the following form:

"County of ____ State of ____

I, ____, solemnly swear that: I am a qualified resident voter of the ____ voting precinct in ____ County, Utah and that I am entitled to vote in this election. I am not a convicted felon currently incarcerated for commission of a felony.

Signature of Voter"; and

(d) a warning that the affidavit must be signed by the individual to whom the ballot was sent and that the ballot will not be counted if the signature on the affidavit does not match the signature on file with the election officer of the individual to whom the ballot was sent.

(5) If the election officer determines that the voter is required to show valid voter identification, the election officer may:

(a) mail a ballot to the voter; and

683 (b) instruct the voter to include a copy of the voter's valid voter identification with the
684 return ballot.

685 (6) An election officer who administers an election shall:

686 (a) (i) before the election, obtain the signatures of each voter qualified to vote in the
687 election; or

688 (ii) obtain the signature of each voter within the voting precinct from the county clerk;
689 and

690 (b) maintain the signatures on file in the election officer's office.

691 (7) Upon receipt of a returned ballot, the election officer shall review and process the
692 ballot under Section 20A-3a-401.

693 (8) A county that administers an election:

694 (a) shall provide at least one election day voting center in accordance with Chapter 3a,
695 Part 7, Election Day Voting Center, and at least one additional election day voting center for
696 every 5,000 active voters in the county who have requested to not receive a ballot by mail;

697 (b) shall ensure that each election day voting center operated by the county has at least
698 one voting device that is accessible, in accordance with the Help America Vote Act of 2002,
699 Pub. L. No. 107-252, for individuals with disabilities;

700 (c) may reduce the early voting period described in Section 20A-3a-601, if:

701 (i) the county clerk conducts early voting on at least four days;

702 (ii) the early voting days are within the period beginning on the date that is 14 days
703 before the date of the election and ending on the day before the election; and

704 (iii) the county clerk provides notice of the reduced early voting period in accordance
705 with Section 20A-3a-604;

706 (d) is not required to pay return postage for a ballot; and

707 (e) is subject to an audit conducted under Subsection (9).

708 (9) (a) The lieutenant governor shall:

709 (i) develop procedures for conducting an audit of affidavit signatures on ballots cast in
710 an election conducted under this section; and

711 (ii) after each primary, general, or special election conducted under this section, select
712 a number of ballots, in varying jurisdictions, to audit in accordance with the procedures
713 developed under Subsection (9)(a)(i).

(b) The lieutenant governor shall post the results of an audit conducted under this Subsection (9) on the lieutenant governor's website.

(10) (a) An individual may request that the election officer not send the individual a ballot by mail in the next and subsequent elections by submitting a written request to the election officer.

(b) An individual shall submit the request described in Subsection (10)(a) to the election officer before 5 p.m. no later than 60 days before an election if the individual does not wish to receive a ballot by mail in that election.

(c) An election officer who receives a request from an individual under Subsection (10)(a):

(i) shall remove the individual's name from the list of voters who will receive a ballot by mail; and

(ii) may not send the individual a ballot by mail for:

(A) the next election, if the individual submits the request described in Subsection (10)(a) before the deadline described in Subsection (10)(b); or

(B) an election after the election described in Subsection (10)(c)(ii)(A).

(d) An individual who submits a request under Subsection (10)(a) may resume the individual's receipt of a ballot by mail by submitting a written request to the election officer.

Section 10. Section **20A-3a-801** is amended to read:

20A-3a-801. Watchers.

(1) As used in this section, "administering election officer" means:

(a) the election officer; or

(b) if the election officer is the lieutenant governor, the county clerk of the county in which an individual will act as a watcher.

(2) (a) Any individual may become a watcher in an election at any time by registering as a watcher with the administering election officer.

(b) An individual who registers under Subsection (2)(a) is not required to be certified by a person under Subsection (3) in order to act as a watcher.

(c) An individual who registers as a watcher shall notify the administering election officer of the dates, times, and locations that the individual intends to act as a watcher.

(d) An election official may not prohibit a watcher from performing a function

described in Subsection (4) because the watcher did not provide the notice described in Subsection (2)(c).

(e) An administering election officer shall provide a copy of this section, or instructions on how to access an electronic copy of this section, to a watcher at the time the watcher registers under this Subsection (2).

(3) (a) A person that is a candidate whose name will appear on the ballot, a qualified write-in candidate for the election, a registered political party, or a political issues committee may certify an individual as an official watcher for the person:

(i) by filing an affidavit with the administering election officer responsible to designate an individual as an official watcher for the certifying person; and

(ii) if the individual registers as a watcher under Subsection (2)(a).

(b) A watcher who is certified by a person under Subsection (3)(a) may not perform the same function described in Subsection (4) at the same time and in the same location as another watcher who is certified by that person.

(c) A watcher who is certified by a person under Subsection (3)(a) may designate another individual to serve in the watcher's stead during the watcher's temporary absence by filing with a poll worker an affidavit that designates the individual as a temporary replacement.

(4) A watcher may:

(a) observe the setup or takedown of a polling ~~[location]~~ place;

(b) observe a voter checking in at a polling ~~[location]~~ place;

(c) observe the collection, receipt, and processing of a ballot, including a provisional ballot or a ballot cast by a covered voter as defined in Section 20A-16-102;

(d) observe the transport or transmission of a ballot that is in an election official's custody;

(e) observe the opening and inspection of a manual ballot;

(f) observe ballot duplication;

(g) observe the conduct of logic and accuracy testing described in Section 20A-5-802;

(h) observe ballot tabulation;

(i) observe the process of storing and securing a ballot;

(j) observe a post-election audit;

(k) observe a canvassing board meeting described in Title 20A, Chapter 4, Part 3,

776 Canvassing Returns;

777 (l) observe the certification of the results of an election; or

778 (m) observe a recount.

779 (5) (a) A watcher may not:

780 (i) electronically record an activity described in Subsection (4) if the recording would

781 reveal a vote or otherwise violate a voter's privacy or a voter's right to cast a secret ballot;

782 (ii) interfere with an activity described in Subsection (4), except to challenge an

783 individual's eligibility to vote under Section 20A-3a-803; or

784 (iii) divulge information related to the number of votes counted, tabulated, or cast for a

785 candidate or ballot proposition until after the election officer makes the information public.

786 (b) A person who violates Subsection (5)(a)(iii) is guilty of a third degree felony.

787 (6) (a) Notwithstanding Subsection (2)(a) or (4), in order to maintain a safe working

788 environment for an election official or to protect the safety or security of a ballot, an

789 administering election officer may take reasonable action to:

790 (i) limit the number of watchers at a single location;

791 (ii) remove a watcher for violating a provision of this section;

792 (iii) remove a watcher for interfering with an activity described in Subsection (4);

793 (iv) designate areas for a watcher to reasonably observe the activities described in

794 Subsection (4); or

795 (v) ensure that a voter's ballot secrecy is protected throughout the watching process.

796 (b) If an administering election officer limits the number of watchers at a single

797 location under Subsection (6)(a)(i), the administering election officer shall give preferential

798 access to the location to a watcher designated under Subsection (3).

799 (c) An administering election officer may provide a watcher a badge that identifies the

800 watcher and require the watcher to wear the badge while acting as a watcher.

801 Section 11. Section **20A-4-306** is amended to read:

802 **20A-4-306. Statewide canvass.**

803 (1) (a) The state board of canvassers shall convene:

804 (i) on the fourth Monday of November, at noon; or

805 (ii) at noon on the day following the receipt by the lieutenant governor of the last of the

806 returns of a statewide special election.

807 (b) The state auditor, the state treasurer, and the attorney general are the state board of
808 canvassers.

809 (c) Attendance of all members of the state board of canvassers ~~[shall be]~~ is required to
810 constitute a quorum for conducting the canvass.

811 (2) (a) The state board of canvassers shall:

812 (i) meet in the lieutenant governor's office; and

813 (ii) compute and determine the vote for officers and for and against any ballot
814 propositions voted upon by the voters of the entire state or of two or more counties.

815 (b) The lieutenant governor, as secretary of the board shall file a report in ~~[his]~~ the
816 lieutenant governor's office that details:

817 (i) for each statewide officer and ballot proposition:

818 (A) the name of the statewide office or ballot proposition that appeared on the ballot;

819 (B) the candidates for each statewide office whose names appeared on the ballot, plus
820 any recorded write-in candidates;

821 (C) the number of votes from each county cast for each candidate and for and against
822 each ballot proposition;

823 (D) the total number of votes cast statewide for each candidate and for and against each
824 ballot proposition; and

825 (E) the total number of votes cast statewide; and

826 (ii) for each officer or ballot proposition voted on in two or more counties:

827 (A) the name of each of those offices and ballot propositions that appeared on the
828 ballot;

829 (B) the candidates for those offices, plus any recorded write-in candidates;

830 (C) the number of votes from each county cast for each candidate and for and against
831 each ballot proposition; and

832 (D) the total number of votes cast for each candidate and for and against each ballot
833 proposition.

834 (c) The lieutenant governor shall:

835 (i) prepare certificates of election for:

836 (A) each successful candidate; and

837 (B) each of the presidential electors of the candidate for president who received a

838 majority of the votes;

839 (ii) authenticate each certificate with [~~his~~] the lieutenant governor's seal; and

840 (iii) deliver a certificate of election to:

841 (A) each candidate who had the highest number of votes for each office; and

842 (B) each of the presidential electors of the candidate for president who received a

843 majority of the votes.

844 (3) If the lieutenant governor has not received election returns from all counties on the

845 fifth day before the day designated for the meeting of the state board of canvassers, the

846 lieutenant governor shall:

847 (a) send a messenger to the clerk of the board of county canvassers of the delinquent

848 county;

849 (b) instruct the messenger to demand a certified copy of the board of canvasser's report

850 required by Section 20A-4-304 from the clerk; and

851 (c) pay the messenger the per diem provided by law as compensation.

852 (4) The state board of canvassers may not withhold the declaration of the result or any

853 certificate of election because of any defect or informality in the returns of any election if the

854 board can determine from the returns, with reasonable certainty, what office is intended and

855 who is elected to it.

856 (5) (a) At noon on the fourth Monday after the regular primary election, the lieutenant

857 governor shall:

858 (i) canvass the returns for all multicounty candidates required to file with the office of

859 the lieutenant governor; and

860 (ii) publish and file the results of the canvass in the lieutenant governor's office.

861 (b) Not later than the August 1 after the primary election, the lieutenant governor shall

862 certify the results of the primary canvass to the county clerks.

863 (6) (a) At noon on the fourth Tuesday in March of a year in which a presidential

864 election will be held, the lieutenant governor shall:

865 (i) canvass the returns of the presidential primary election; and

866 (ii) publish and file the results of the canvass in the lieutenant governor's office.

867 (b) The lieutenant governor shall certify the results of the presidential primary election

868 canvass to each registered political party that participated in the primary not later than the April

869 15 after the primary election.

870 Section 12. Section **20A-4-403** is amended to read:

871 **20A-4-403. Election contest -- Petition and response.**

872 (1) (a) In contesting the results of all elections, except for primary elections and bond
873 elections, a registered voter ~~[shall]~~ may contest the right of ~~[any person]~~ an individual declared
874 elected to ~~[any]~~ office by filing a verified written complaint with the district court of the county
875 in which ~~[he]~~ the registered voter resides within 40 days after the day on which the canvass
876 concludes.

877 (b) The complaint shall include:

878 (i) the name of the ~~[party]~~ voter contesting the election;

879 (ii) a statement that the ~~[party]~~ voter is a registered voter in the jurisdiction in which
880 the election was held;

881 (iii) the name of the ~~[person]~~ individual whose right to the office is contested;

882 (iv) the office to which ~~[that person]~~ the individual was ostensibly elected;

883 (v) one or more of the grounds for an election contest specified in Section 20A-4-402;

884 (vi) the ~~[person]~~ individual who was purportedly elected to the office as respondent;

885 and

886 (vii) if the reception of illegal votes or the rejection of legal votes is alleged as a
887 ground for the contest, the name and address of all ~~[persons]~~ individuals who allegedly cast
888 illegal votes or whose legal vote was rejected.

889 (c) When the reception of illegal votes or the rejection of legal votes is alleged as a
890 cause of contest, it is sufficient to state generally that:

891 (i) illegal votes were given in one or more specified voting precincts to ~~[a person]~~ an
892 individual whose election is contested, which, if taken from ~~[him]~~ the individual, would reduce
893 the number of ~~[his]~~ legal votes for the individual below the number of legal votes given to
894 ~~[some other person]~~ another individual for the same office; or

895 (ii) that legal votes for another ~~[person]~~ individual were rejected, which, if counted,
896 would raise the number of legal votes for that ~~[person]~~ individual above the number of legal
897 votes cast for the ~~[person]~~ individual whose election is contested.

898 (d) (i) The court may not take or receive evidence of any of the votes described in
899 Subsection (1)(c) unless the ~~[party]~~ individual contesting the election delivers to the ~~[opposite~~

900 ~~party]~~ respondent, at least three days before the trial, a written list of the number of contested
901 votes and by whom the contested votes were given or offered, which ~~[he]~~ the individual intends
902 to prove at trial.

903 (ii) The court may not take or receive any evidence of contested votes except those that
904 are specified in that list.

905 (2) (a) In contesting the results of a primary election, when contesting the petition
906 nominating an independent candidate, or when challenging any person, election officer,
907 election official, board, or convention for failing to nominate ~~[a person]~~ an individual, a
908 registered voter ~~[shall]~~ may contest the right of ~~[any person]~~ an individual declared nominated
909 to ~~[any]~~ office by filing a verified written complaint within 10 days after the ~~[date of]~~ day on
910 which the canvass for the primary election concludes, after the date of filing of the petition, or
911 after the date of the convention, respectively, with:

912 (i) the district court of the county in which ~~[he]~~ the registered voter resides if ~~[he]~~ the
913 registered voter is contesting a nomination made only by voters from that county; or

914 (ii) the Utah Supreme Court, if ~~[he]~~ the registered voter is contesting a nomination
915 made by voters in more than one county.

916 (b) The complaint shall include:

917 (i) the name of the ~~[party]~~ voter contesting the nomination;

918 (ii) a statement that the voter contesting ~~[party]~~ the nomination is a registered voter in
919 the jurisdiction in which the election was held;

920 (iii) the name of the ~~[person]~~ individual whose right to nomination is contested or the
921 name of the ~~[person]~~ individual who failed to have their name placed in nomination;

922 (iv) the office to which ~~[that person]~~ the individual was nominated or should have been
923 nominated;

924 (v) one or more of the grounds for an election contest specified in Subsection (1);

925 (vi) the ~~[person]~~ individual who was purportedly nominated to the office as
926 respondent; and

927 (vii) if the reception of illegal votes or the rejection of legal votes is alleged as a
928 ground for the contest, the name and address of all ~~[persons]~~ individuals who allegedly cast
929 illegal votes or whose legal vote was rejected.

930 (c) When the reception of illegal votes or the rejection of legal votes is alleged as a

931 cause of contest, it is sufficient to state generally that:

932 (i) illegal votes were given to ~~[a person]~~ an individual whose election is contested,
933 which, if taken from ~~[him]~~ the individual, would reduce the number of ~~[his]~~ legal votes given
934 to the individual below the number of legal votes given to ~~[some other person]~~ another
935 individual for the same office; or

936 (ii) legal votes for another ~~[person]~~ individual were rejected, which, if counted, would
937 raise the number of legal votes for that ~~[person]~~ individual above the number of legal votes cast
938 for the ~~[person]~~ individual whose election is contested.

939 (d) (i) The court may not take or receive evidence of any the votes described in
940 Subsection (2)(c), unless the ~~[party]~~ voter contesting the election delivers to the opposite party,
941 at least three days before the trial, a written list of the number of contested votes and by whom
942 the contested votes were given or offered, which ~~[he]~~ the voter intends to prove at trial.

943 (ii) The court may not take or receive any evidence of contested votes except those that
944 are specified in that list.

945 (3) (a) In contesting the results of a bond election, a registered voter ~~[shall]~~ may contest
946 the validity of the declared results by filing a verified written complaint with the district court
947 of the county in which ~~[he]~~ the registered voter resides within 40 days after the date of the
948 official finding entered under Section 11-14-207.

949 (b) The complaint shall include:

950 (i) the name of the ~~[party]~~ voter contesting the election;

951 (ii) a statement that the ~~[party]~~ voter is a registered voter in the jurisdiction in which
952 the election was held;

953 (iii) the bond proposition that is the subject of the contest;

954 (iv) one or more of the grounds for an election contest specified in Section 20A-4-402;
955 and

956 (v) if the reception of illegal votes or the rejection of legal votes is alleged as a ground
957 for the contest, the name and address of all ~~[persons]~~ individuals who allegedly cast illegal
958 votes or whose legal vote was rejected.

959 (c) When the reception of illegal votes or the rejection of legal votes is alleged as a
960 cause of contest, it is sufficient to state generally that:

961 (i) illegal votes were counted in one or more specified voting precincts which, if taken

out of the count, would change the declared result of the vote on the proposition; or

(ii) legal votes were rejected in one or more specified voting precincts, which, if counted, would change the declared result of the vote on the proposition.

(d) (i) The court may not take or receive evidence of any of the votes described in Subsection (3)(c) unless the ~~[party]~~ voter contesting the election delivers to the ~~[opposite party]~~ respondent, at least three days before the trial, a written list of the number of contested votes and by whom the contested votes were given or offered, which ~~[he]~~ the voter intends to prove at trial.

(ii) The court may not take or receive any evidence of contested votes except those that are specified in that list.

(4) The court may not reject any statement of the grounds of contest or dismiss the proceedings because of lack of form, if the grounds of the contest are alleged with ~~[such]~~ sufficient certainty as will advise the defendant of the particular proceeding or cause for which the election is contested.

(5) (a) The petitioner shall serve a copy of the petition on the respondent.

(b) (i) If the petitioner cannot obtain personal service of the petition on the respondent, the petitioner may serve the respondent by leaving a copy of the petition with the clerk of the court with which the petition was filed.

(ii) The clerk shall make diligent inquiry and attempt to inform the respondent that ~~[he]~~ the respondent has five days to answer the complaint.

(c) The respondent shall answer the petition within five days after the day of service.

(d) If the reception of illegal votes or the rejection of legal votes is alleged as a ground for the contest, the defendant shall ~~[set forth]~~ include in the answer the name and address of all ~~[persons]~~ individuals whom the ~~[defendant]~~ respondent believes were properly or improperly admitted or denied the vote.

(e) If the answer contains a counterclaim, the petitioner shall file a reply within 10 days after the day of service of the counterclaim.

(6) (a) The provisions of this Subsection (6) provide ~~[additional]~~ requirements that apply to municipal election contests that are in addition to the other requirements of this section governing election contest.

(b) Municipal election contests shall be filed, tried, and determined in the district court

of the county in which the municipality is located.

(c) (i) As a condition precedent to filing a municipal election contest, the petitioner shall file a written affidavit of intention to contest the election with the clerk of the court within seven days after the day on which the votes are canvassed.

(ii) The affidavit shall include:

(A) the petitioner's name;

(B) the fact that the petitioner is a qualified voter of the municipality;

(C) the respondent's name;

(D) the elective office contested;

(E) the time of election; and

(F) the grounds for the contest.

(d) (i) Before the district court takes jurisdiction of a municipal election contest, the petitioner shall file a bond with the clerk of the court with the sureties required by the court.

(ii) The bond shall name the respondent as obligee and be conditioned for the payment of all costs incurred by the respondent if the respondent prevails.

Section 13. Section **20A-4-405** is amended to read:

20A-4-405. Election contests -- Costs.

(1) The court shall enter judgment for costs against the party contesting the election if:

(a) the proceedings are dismissed for:

(i) insufficiency of pleading or proof; or

(ii) want of prosecution; or

(b) the election is confirmed by the court.

(2) The court shall enter judgment for costs against the party whose election was contested if the election is annulled and set aside.

(3) (a) Each party is liable for the costs of the officers and witnesses that appeared on ~~his~~ the party's behalf.

(b) The party may pay, and the officers and witnesses may collect, those costs in the same manner as similar costs are paid and collected in other cases.

Section 14. Section **20A-5-102** is amended to read:

20A-5-102. Voting instructions.

(1) Each election officer shall:

1024 (a) print instructions for voters;
1025 (b) ensure that the instructions are printed in English, and any other language required
1026 under the Voting Rights Act of 1965, as amended, in large clear type; and
1027 (c) ensure that the instructions inform voters:
1028 (i) about how to obtain ballots for voting;
1029 (ii) about special political party affiliation requirements for voting in a regular primary
1030 election or presidential primary election;
1031 (iii) about how to prepare ballots for deposit in the ballot box;
1032 (iv) about how to record write-in votes;
1033 (v) about how to obtain a new ballot in the place of one spoiled by accident or mistake;
1034 (vi) about how to obtain assistance in marking ballots;
1035 (vii) about obtaining a new ballot if the voter's ballot is defaced;
1036 (viii) that identification marks or the spoiling or defacing of a ballot will make it
1037 invalid;
1038 (ix) about how to obtain and vote a provisional ballot;
1039 (x) about whom to contact to report election fraud;
1040 (xi) about applicable federal and state laws regarding:
1041 (A) voting rights and the appropriate official to contact if the voter alleges ~~[his]~~ that the
1042 voter's rights have been violated; and
1043 (B) prohibitions on acts of fraud and misrepresentation;
1044 (xii) about procedures governing mail-in registrants and first-time voters; and
1045 (xiii) about the date of the election and the hours that the polls are open on election
1046 day.
1047 (2) Each election officer shall:
1048 (a) provide the election judges of each voting precinct with sufficient instruction cards
1049 to instruct voters in the preparation of their ballots;
1050 (b) direct the election judges to post:
1051 (i) general voting instructions in each voting booth; and
1052 (ii) at least three instruction cards and at least one sample ballot elsewhere in and about
1053 the polling place.
1054 Section 15. Section **20A-5-403** is amended to read:

20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections --**Arrangements.**

(1) Except as provided in Section 20A-7-609.5, each election officer shall:

(a) designate polling places for each voting precinct in the jurisdiction; and

(b) obtain the approval of the county or municipal legislative body or local district governing board for those polling places.

(2) (a) For each polling place, the election officer shall provide:

(i) an American flag;

(ii) a sufficient number of voting booths or compartments;

(iii) the voting devices, voting booths, ballots, ballot boxes, and any other records and supplies necessary to enable a voter to vote;

(iv) the constitutional amendment cards required by Part 1, Election Notices and Instructions;

(v) the instructions required by Section 20A-5-102; and

(vi) a sign, to be prominently displayed in the polling place, indicating that valid voter identification is required for every voter before the voter may vote and listing the forms of identification that constitute valid voter identification.

(b) Each election officer shall ensure that:

(i) each voting booth is at a convenient height for writing, and is arranged so that the voter can prepare the voter's ballot screened from observation;

(ii) there are a sufficient number of voting booths or voting devices to accommodate the voters at that polling place; and

(iii) there is at least one voting booth or voting device that is configured to accommodate persons with disabilities.

(c) Each county clerk shall provide a ballot box for each polling place that is large enough to properly receive and hold the ballots to be cast.

(3) (a) All polling places shall be physically inspected by each county clerk to ensure access by a person with a disability.

(b) Any issues concerning inaccessibility to polling places by a person with a disability discovered during the inspections referred to in Subsection (3)(a) or reported to the county clerk shall be:

1086 (i) forwarded to the Office of the Lieutenant Governor; and
1087 (ii) within six months of the time of the complaint, the issue of inaccessibility shall be
1088 either:
1089 (A) remedied at the particular location by the county clerk;
1090 (B) the county clerk shall designate an alternative accessible location for the particular
1091 precinct; or
1092 (C) if no practical solution can be identified, file with the Office of the Lieutenant
1093 Governor a written explanation identifying the reasons compliance cannot reasonably be met.
1094 (4) (a) The municipality in which the election is held shall pay the cost of conducting
1095 each municipal election, including the cost of printing and supplies.
1096 (b) (i) Costs assessed by a county clerk to a municipality under this section may not
1097 exceed the actual costs incurred by the county clerk.
1098 (ii) The actual costs shall include:
1099 (A) costs of or rental fees associated with the use of election equipment and supplies;
1100 and
1101 (B) reasonable and necessary administrative costs.
1102 (5) The county clerk shall make detailed entries of all proceedings had under this
1103 chapter.
1104 (6) (a) Each county clerk shall, to the extent possible, ensure that the amount of time
1105 that an individual waits in line before the individual can vote at a polling ~~[location]~~ place in the
1106 county does not exceed 30 minutes.
1107 (b) The lieutenant governor may require a county clerk to submit a line management
1108 plan before the next election if an individual waits in line at a polling ~~[location]~~ place in the
1109 county longer than 30 minutes before the individual can vote.
1110 (c) The lieutenant governor may consider extenuating circumstances in deciding
1111 whether to require the county clerk to submit a plan described in Subsection (6)(b).
1112 (d) The lieutenant governor shall review each plan submitted under Subsection (6)(b)
1113 and consult with the county clerk submitting the plan to ensure, to the extent possible, that the
1114 amount of time an individual waits in line before the individual can vote at a polling ~~[location]~~
1115 place in the county does not exceed 30 minutes.
1116 Section 16. Section **20A-5-406** is amended to read:

1117 **20A-5-406. Delivery of ballots.**

1118 (1) An election officer shall deliver manual ballots to the poll workers of each voting
1119 precinct in the election officer's jurisdiction in an amount sufficient to meet voting needs
1120 during the voting period.

1121 (2) For mechanical ballots, an election officer shall:

1122 (a) deliver the voting devices and mechanical ballots before voting commences at the
1123 polling place;

1124 (b) ensure that the voting devices, equipment, and mechanical ballots are properly
1125 secured before commencement of voting;

1126 (c) when mechanical ballots or voting devices containing mechanical ballots are
1127 delivered to a polling ~~[location]~~ place, ensure that security procedures, developed by the
1128 election officer, are followed to document chain of custody and to prevent unauthorized access;
1129 and

1130 (d) repair or provide substitute voting devices, equipment, or electronic ballots, if
1131 available, if any poll worker reports that:

1132 (i) the voting devices or equipment were not delivered on time;

1133 (ii) the voting devices or equipment do not contain the appropriate electronic ballot
1134 information;

1135 (iii) the safety devices on the voting devices, equipment, or electronic ballots appear to
1136 have been tampered with;

1137 (iv) the voting devices or equipment do not appear to be functioning properly; or

1138 (v) after delivery, the voting devices, equipment, or electronic ballots were destroyed
1139 or stolen.

1140 Section 17. Section **20A-5-601** is amended to read:

1141 **20A-5-601. Appointment of poll workers in elections where candidates are**
1142 **distinguished by registered political parties.**

1143 (1) (a) This section governs appointment of poll workers in elections where candidates
1144 are distinguished by registered political parties.

1145 (b) On or before March 1 of each even-numbered year, an election officer shall provide
1146 to the county chair of each registered political party a list of the number of poll workers that the
1147 party must nominate for each polling place.

(c) On or before April 1 of each even-numbered year, the county chair and secretary of each registered political party shall file a list with the election officer containing the names of individuals in the county who are willing to serve as poll workers, who are qualified to serve as poll workers in accordance with this section, and who are competent and trustworthy.

(d) The county chair and secretary shall submit names equal in number to the number required by the election officer, plus one.

(2) Each election officer shall provide for the appointment of individuals to serve as poll workers at each election.

(3) (a) For each election, each election officer shall provide for the appointment of at least three registered voters, or one individual who is 16 or 17 years of age and two registered voters, one of whom is at least 21 years of age, from the list to serve as poll workers.

(b) An election officer may appoint additional poll workers, as needed.

(4) For each set of three poll workers appointed for a polling place for an election, the election officer shall ensure that:

(a) two poll workers are appointed from the political party that cast the highest number of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer, excluding votes for unopposed candidates, in the jurisdiction holding the election at the last regular general election before the appointment of the poll workers; and

(b) one poll worker is appointed from the political party that cast the second highest number of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer, excluding votes for unopposed candidates, in the county, city, or local district, as applicable, at the last regular general election before the appointment of the poll workers.

(5) The election officer shall provide for the appointment of any qualified county voter as a poll worker when:

(a) a political party fails to file the poll worker list by the filing deadline; or

(b) the list is incomplete.

(6) A registered voter of the county may serve as a poll worker at any polling ~~location~~ place in the county, municipality, or district, as applicable.

(7) An election officer may not appoint a candidate's parent, sibling, spouse, child, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law to serve as a poll worker in a polling place where the candidate appears on the ballot.

1179 (8) The election officer shall fill all poll worker vacancies.

1180 (9) If a conflict arises over the right to certify the poll worker lists for any political
1181 party, the election officer may decide between conflicting lists, but may only select names from
1182 a properly submitted list.

1183 (10) The clerk shall establish compensation for poll workers.

1184 (11) The election officer may appoint additional poll workers to serve in the polling
1185 place as needed.

1186 Section 18. Section **20A-7-211** is amended to read:

1187 **20A-7-211. Return and canvass -- Conflicting measures -- Law effective on**
1188 **proclamation.**

1189 (1) The votes on the law proposed by the initiative petition shall be counted,
1190 canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

1191 (2) After the state board of canvassers completes ~~[its]~~ the canvass, the lieutenant
1192 governor shall certify to the governor the vote for and against the law proposed by the initiative
1193 petition.

1194 (3) (a) The governor shall immediately issue a proclamation that:

1195 (i) gives the total number of votes cast in the state for and against each law proposed by
1196 an initiative petition; and

1197 (ii) declares those laws proposed by an initiative petition that were approved by
1198 majority vote to be in full force and effect on the date described in Subsection 20A-7-212(2).

1199 (b) When the governor believes that two proposed laws, or that parts of two proposed
1200 laws approved by the people at the same election are entirely in conflict, ~~[he]~~ the governor shall
1201 proclaim that measure to be law that ~~[has received]~~ receives the greatest number of affirmative
1202 votes, regardless of the difference in the majorities which those measures ~~[have received]~~
1203 receive.

1204 (c) Within 10 days after the governor's proclamation, any qualified voter who signed
1205 the initiative petition proposing the law that is declared by the governor to be superseded by
1206 another measure approved at the same election may bring an action in the appropriate court to
1207 review the governor's decision.

1208 (4) Within 10 days after the day on which the court issues an order in an action
1209 described in Subsection (3)(c), the governor shall:

1210 (a) proclaim all those measures approved by the people as law that the court [~~has~~
1211 ~~determined~~] determines are not entirely in conflict; and

1212 (b) of all those measures approved by the people as law that the court determines to be
1213 entirely in conflict, proclaim as law, regardless of the difference in majorities, the law that
1214 [~~received~~] receives the greatest number of affirmative votes, to be in full force and effect on the
1215 date described in Subsection 20A-7-212(2).

1216 Section 19. Section **20A-9-503** is amended to read:

1217 **20A-9-503. Certificate of nomination -- Filing -- Fees.**

1218 (1) (a) Except as provided in Subsection (1)(b), after the certificate of nomination [~~has~~
1219 ~~been~~] is certified, executed, and acknowledged by the county clerk, the candidate shall:

1220 (i) between the second Friday in March and the close of normal office hours on the
1221 third Thursday in March of the year in which the regular general election will be held:

1222 (A) file the petition in person with the lieutenant governor, if the office the candidate
1223 seeks is a constitutional office or a federal office, or the county clerk, if the office the candidate
1224 seeks is a county office; and

1225 (B) pay the filing fee; or

1226 (ii) not later than the close of normal office hours on June 15 of any odd-numbered
1227 year:

1228 (A) file the petition in person with the municipal clerk, if the candidate seeks an office
1229 in a city or town, or the local district clerk, if the candidate seeks an office in a local district;
1230 and

1231 (B) pay the filing fee.

1232 (b) (i) The provisions of this Subsection (1)(b) do not apply to an individual who files a
1233 declaration of candidacy for president of the United States.

1234 (ii) Subject to Subsections (3)(c) and 20A-9-502(2), an individual may designate an
1235 agent to file a declaration of candidacy with the appropriate filing officer if:

1236 (A) the individual is located outside of the state during the entire filing period;

1237 (B) the designated agent appears in person before the filing officer; and

1238 (C) the individual communicates with the filing officer using an electronic device that
1239 allows the individual and filing officer to see and hear each other.

1240 (2) (a) At the time of filing, and before accepting the petition, the filing officer shall

1241 read the constitutional and statutory requirements for candidacy to the candidate.

1242 (b) If the candidate states that ~~[he]~~ the candidate does not meet the requirements, the
1243 filing officer may not accept the petition.

1244 (3) (a) An individual filing a certificate of nomination for president or vice president of
1245 the United States under this section shall pay a filing fee of \$500.

1246 (b) Notwithstanding Subsection (1), ~~[a person]~~ an individual filing a certificate of
1247 nomination for president or vice president of the United States:

1248 (i) may file the certificate of nomination between the second Friday in March and the
1249 close of normal office hours on August 15 of the year in which the regular general election will
1250 be held; and

1251 (ii) may use a designated agent to file the certificate of nomination.

1252 (c) An agent designated under Subsection (1)(b)(ii) or described in Subsection
1253 (3)(b)(ii) may not sign the certificate of nomination form.

1254 Section 20. Section **20A-11-202** is amended to read:

1255 **20A-11-202. State office candidate -- Personal campaign committee required --**
1256 **Candidate as a political action committee officer.**

1257 (1) (a) (i) Each state office candidate shall select no more than one personal campaign
1258 committee, consisting of one or more persons, to receive contributions, make expenditures, and
1259 file reports connected with the candidate's campaign.

1260 (ii) A state office candidate may serve as ~~[his]~~ the candidate's own campaign
1261 committee.

1262 (iii) A state office candidate may be designated by a political action committee as an
1263 officer who has primary decision-making authority as described in Section 20A-11-601.

1264 (b) Except for expenses made by a registered political party to benefit a party's
1265 candidates generally, a state office candidate or other person acting in concert with or with the
1266 knowledge of the state office candidate may not receive any contributions or make any
1267 expenditures on behalf of a state office candidate other than through:

1268 (i) a personal campaign committee established under this section; and

1269 (ii) a political action committee established under Part 6, Political Action Committee
1270 Registration and Financial Reporting Requirements.

1271 (2) (a) The state office candidate shall file a written statement signed by the candidate

or authorized member of the candidate's personal campaign committee with the lieutenant governor that:

(i) informs the lieutenant governor that the state office candidate's personal campaign committee has been selected; and

(ii) provides the name and address of each member and the secretary of the committee.

(b) A state office candidate or the candidate's personal campaign committee may not make any expenditures on behalf of the candidate until the statement has been filed.

(c) A state office candidate may revoke the selection of any member of the campaign committee by:

(i) revoking that ~~[person's]~~ individual's appointment or election in writing;

(ii) personally serving the written revocation on the member whose selection is revoked; and

(iii) filing a copy of the written revocation with the lieutenant governor.

(d) (i) The state office candidate may select a replacement to fill any vacancy on the campaign committee.

(ii) The state office candidate shall file that replacement's name and address with the lieutenant governor.

(3) A member of a state office candidate's personal campaign committee may not make an expenditure of more than \$1,000 unless the state office candidate or the secretary of the personal campaign committee authorizes the expenditure in writing.

(4) A state office candidate or the candidate's personal campaign committee may not make any expenditures prohibited by law.

Section 21. Section **20A-11-901** is amended to read:

20A-11-901. Political advertisements -- Requirement that ads designate responsibility and authorization -- Report to lieutenant governor -- Unauthorized use of endorsements.

(1) (a) Whenever any person makes an expenditure for the purpose of financing an advertisement expressly advocating for the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, the advertisement:

1303 (i) if paid for and authorized by a candidate or the candidate's campaign committee,
1304 shall clearly state that the advertisement has been paid for by the candidate or the campaign
1305 committee;

1306 (ii) if paid for by another person but authorized by a candidate or the candidate's
1307 campaign committee, shall clearly state who paid for the advertisement and that the candidate
1308 or the campaign committee authorized the advertisement; or

1309 (iii) if not authorized by a candidate or a candidate's campaign committee, shall clearly
1310 state the name of the person who paid for the advertisement and state that the advertisement is
1311 not authorized by any candidate or candidate's committee.

1312 (2) (a) A person that makes an expenditure for the purpose of financing an
1313 advertisement related to a ballot proposition shall ensure that the advertisement complies with
1314 Subsection (2)(b) if the advertisement expressly advocates:

- 1315 (i) for placing a ballot proposition on the ballot;
- 1316 (ii) for keeping a ballot proposition off the ballot;
- 1317 (iii) that a voter refrain from voting on a ballot proposition; or
- 1318 (iv) that a voter vote for or against a ballot proposition.

1319 (b) An advertisement described in Subsection (2)(a) shall:

1320 (i) if paid for by a political issues committee, clearly state that the advertisement was
1321 paid for by the political issues committee;

1322 (ii) if paid for by another person but authorized by a political issues committee, clearly
1323 state who paid for the advertisement and that the political issues committee authorized the
1324 advertisement; or

1325 (iii) if not authorized by a political issues committee, clearly state the name of the
1326 person who paid for the advertisement and state that the advertisement is not authorized by any
1327 political issues committee.

1328 (3) The requirements of Subsections (1) and (2) do not apply to:

- 1329 (a) lawn signs with dimensions of four by eight feet or smaller;
- 1330 (b) bumper stickers;
- 1331 (c) campaign pins, buttons, and pens; or
- 1332 (d) similar small items upon which the disclaimer cannot be conveniently printed.

1333 (4) (a) A person who is not a reporting entity and pays for an electioneering

1334 communication shall file a report with the lieutenant governor within 24 hours of making the
1335 payment or entering into a contract to make the payment.

1336 (b) The report shall include:

1337 (i) the name and address of the person described in Subsection (4)(a);

1338 (ii) the name and address of each person contributing at least \$100 to the person
1339 described in Subsection (4)(a) for the purpose of disseminating the electioneering
1340 communication;

1341 (iii) the amount spent on the electioneering communication;

1342 (iv) the name of the identified referenced candidate; and

1343 (v) the medium used to disseminate the electioneering communication.

1344 (5) A person may not, in order to promote the success of any candidate for nomination
1345 or election to any public office, or in connection with any question submitted to the voters,
1346 include or cause to be included the name of any person as endorser or supporter in any political
1347 advertisement, circular, poster, or publication without the express consent of that person.

1348 (6) (a) It is unlawful for a person to pay the owner, editor, publisher, or agent of any
1349 newspaper or other periodical to induce ~~him~~ the owner, editor, publisher, or agent to advocate
1350 or oppose editorially any candidate for nomination or election.

1351 (b) It is unlawful for any owner, editor, publisher, or agent to accept any payment to
1352 advocate or oppose editorially any candidate for nomination or election.

1353 Section 22. Section **20A-15-104** is amended to read:

1354 **20A-15-104. Ballot -- Form -- Manner of marking and voting.**

1355 (1) The requirements of this section govern the form of the ballot and the specific
1356 procedures for electing delegates to the ratification convention.

1357 (2) Each county clerk shall ensure that the ballot to select delegates to the ratification
1358 convention:

1359 (a) is separate from and printed on different color stock than any other ballot to be used
1360 at the same election;

1361 (b) contains the following information in this order:

1362 (i) the text of the proposed amendment;

1363 (ii) instructions to the voter;

1364 (iii) three perpendicular columns of equal width;

1365 (iv) at the head of the first perpendicular column, in plain type, the words "For
1366 Ratification of Proposed Change in Constitution of the United States";
1367 (v) at the head of the second perpendicular column, in plain type, the words "Against
1368 Ratification of Proposed Change in Constitution of the United States";
1369 (vi) no heading or names at the head of the third perpendicular column;
1370 (vii) in the column headed "For Ratification of Proposed Change in Constitution of the
1371 United States," the names of the nominees nominated as in favor of ratification;
1372 (viii) in the column headed "Against Ratification of Proposed Change in Constitution
1373 of the United States," the names of the nominees nominated as against ratification; and
1374 (ix) in the column without heading, spaces permitting the voter to write in other names;
1375 and
1376 (c) is arranged so that the voter may, by making a single mark, vote for the entire group
1377 of nominees whose names are contained in any column.

1378 (3) Each county clerk shall ensure that the ballot to select delegates to the ratification
1379 convention is in substantially the following form:

1380 "OFFICIAL BALLOT for delegates to convention to ratify or reject proposed
1381 amendment to the Constitution of the United States. The Congress has proposed an amendment
1382 to the Constitution of the United States that provides: (insert here the text of the proposed
1383 amendment).
1384 The Congress has also directed that the proposed amendment be ratified by conventions in the
1385 states.

1386 INSTRUCTIONS TO VOTERS
1387 Do not vote for more than 21.
1388 To vote for all candidates in favor of ratification, or for all candidates against
1389 ratification, make a cross-mark in the CIRCLE at the head of the list of candidates for whom
1390 you wish to vote. If you do this, make no other mark.
1391 To vote for an individual candidate, make a cross-mark in the SQUARE immediately
1392 adjacent to the name.
1393 To vote for a person other than candidates listed on the ballot, write in the person's
1394 name in blank column.
1395 For ratification of proposed change in Constitution of the United States.

1396 (Name of Candidate) _____

1397 Against ratification of proposed change in Constitution of the United States.

1398 (Name of Candidate) _____ "

1399 (4) If the election of delegates to the ratification convention is held at the same time as
1400 the regular general election, the county clerk shall:

1401 (a) give the same ballot number to a regular general election ballot and a ballot to elect
1402 delegates to a ratification convention;

1403 (b) direct the election judges to:

1404 (i) hand to each voter the general election ballot and the ratification convention ballot
1405 with identical ballot numbers;

1406 (ii) instruct the voter to mark each ballot and deposit each ballot in the ballot box; and

1407 (iii) mark any ballot "void" that the voter declines to use and return it to the county
1408 clerk.

1409 (5) Each voter shall indicate ~~[his]~~ the voter's choice by making one or more
1410 cross-marks in the appropriate spaces provided on the ballot.

1411 Section 23. Section **67-1a-2** is amended to read:

1412 **67-1a-2. Duties enumerated.**

1413 (1) The lieutenant governor shall:

1414 (a) perform duties delegated by the governor, including assignments to serve in any of
1415 the following capacities:

1416 (i) as the head of any one department, if so qualified, with the advice and consent of
1417 the Senate, and, upon appointment at the pleasure of the governor and without additional
1418 compensation;

1419 (ii) as the chairperson of any cabinet group organized by the governor or authorized by
1420 law for the purpose of advising the governor or coordinating intergovernmental or
1421 interdepartmental policies or programs;

1422 (iii) as liaison between the governor and the state Legislature to coordinate and
1423 facilitate the governor's programs and budget requests;

1424 (iv) as liaison between the governor and other officials of local, state, federal, and
1425 international governments or any other political entities to coordinate, facilitate, and protect the
1426 interests of the state;

1427 (v) as personal advisor to the governor, including advice on policies, programs,
1428 administrative and personnel matters, and fiscal or budgetary matters; and
1429 (vi) as chairperson or member of any temporary or permanent boards, councils,
1430 commissions, committees, task forces, or other group appointed by the governor;
1431 (b) serve on all boards and commissions in lieu of the governor, whenever so
1432 designated by the governor;
1433 (c) serve as the chief election officer of the state as required by Subsection (2);
1434 (d) keep custody of the Great Seal of Utah;
1435 (e) keep a register of, and attest, the official acts of the governor;
1436 (f) affix the Great Seal, with an attestation, to all official documents and instruments to
1437 which the official signature of the governor is required; and
1438 (g) furnish a certified copy of all or any part of any law, record, or other instrument
1439 filed, deposited, or recorded in the office of the lieutenant governor to any person who requests
1440 it and pays the fee.

1441 (2) (a) As the chief election officer, the lieutenant governor shall:
1442 (i) exercise general supervisory authority over all elections;
1443 (ii) exercise direct authority over the conduct of elections for federal, state, and
1444 multicounty officers and statewide or multicounty ballot propositions and any recounts
1445 involving those races;
1446 (iii) assist county clerks in unifying the election ballot;
1447 (iv) (A) prepare election information for the public as required by statute and as
1448 determined appropriate by the lieutenant governor; and
1449 (B) make the information under Subsection (2)(a)(iv)(A) available to the public and to
1450 news media on the Internet and in other forms as required by statute or as determined
1451 appropriate by the lieutenant governor;

1452 (v) receive and answer election questions and maintain an election file on opinions
1453 received from the attorney general;
1454 (vi) maintain a current list of registered political parties as defined in Section
1455 20A-8-101;
1456 (vii) maintain election returns and statistics;
1457 (viii) certify to the governor the names of those persons who have received the highest

1458 number of votes for any office;

1459 (ix) ensure that all voting equipment purchased by the state complies with the

1460 requirements of Sections 20A-5-302, 20A-5-802, and 20A-5-803;

1461 ~~[(x) conduct the study described in Section 67-1a-14;]~~

1462 ~~[(xi)]~~ (x) during a declared emergency, to the extent that the lieutenant governor

1463 determines it warranted, designate, as provided in Section 20A-1-308, a different method, time,

1464 or location relating to:

1465 (A) voting on election day;

1466 (B) early voting;

1467 (C) the transmittal or voting of an absentee ballot or military-overseas ballot;

1468 (D) the counting of an absentee ballot or military-overseas ballot; or

1469 (E) the canvassing of election returns; and

1470 ~~[(xii)]~~ (xi) perform other election duties as provided in Title 20A, Election Code.

1471 (b) As chief election officer, the lieutenant governor may not assume the

1472 responsibilities assigned to the county clerks, city recorders, town clerks, or other local election

1473 officials by Title 20A, Election Code.

1474 (3) (a) The lieutenant governor shall:

1475 (i) determine a new municipality's classification under Section 10-2-301 upon the city's

1476 incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a Municipality, based on the

1477 municipality's population using the population estimate from the Utah Population Committee;

1478 and

1479 (ii) (A) prepare a certificate indicating the class in which the new municipality belongs

1480 based on the municipality's population; and

1481 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the

1482 municipality's legislative body.

1483 (b) The lieutenant governor shall:

1484 (i) determine the classification under Section 10-2-301 of a consolidated municipality

1485 upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part 6,

1486 Consolidation of Municipalities, using population information from:

1487 (A) each official census or census estimate of the United States Bureau of the Census;

1488 or

1489 (B) the population estimate from the Utah Population Committee, if the population of a
1490 municipality is not available from the United States Bureau of the Census; and

1491 (ii) (A) prepare a certificate indicating the class in which the consolidated municipality
1492 belongs based on the municipality's population; and

1493 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the
1494 consolidated municipality's legislative body.

1495 (c) The lieutenant governor shall:

1496 (i) determine a new metro township's classification under Section 10-2-301.5 upon the
1497 metro township's incorporation under Title 10, Chapter 2a, Part 4, Incorporation of Metro
1498 Townships and Unincorporated Islands in a County of the First Class on and after May 12,
1499 2015, based on the metro township's population using the population estimates from the Utah
1500 Population Committee; and

1501 (ii) prepare a certificate indicating the class in which the new metro township belongs
1502 based on the metro township's population and, within 10 days after preparing the certificate,
1503 deliver a copy of the certificate to the metro township's legislative body.

1504 (d) The lieutenant governor shall monitor the population of each municipality using
1505 population information from:

1506 (i) each official census or census estimate of the United States Bureau of the Census; or
1507 (ii) the population estimate from the Utah Population Committee, if the population of a
1508 municipality is not available from the United States Bureau of the Census.

1509 (e) If the applicable population figure under Subsection (3)(b) or (d) indicates that a
1510 municipality's population has increased beyond the population for its current class, the
1511 lieutenant governor shall:

1512 (i) prepare a certificate indicating the class in which the municipality belongs based on
1513 the increased population figure; and

1514 (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the
1515 legislative body of the municipality whose class has changed.

1516 (f) (i) If the applicable population figure under Subsection (3)(b) or (d) indicates that a
1517 municipality's population has decreased below the population for its current class, the
1518 lieutenant governor shall send written notification of that fact to the municipality's legislative
1519 body.

1520 (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose
1521 population has decreased below the population for its current class, the lieutenant governor
1522 shall:

1523 (A) prepare a certificate indicating the class in which the municipality belongs based
1524 on the decreased population figure; and

1525 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the
1526 legislative body of the municipality whose class has changed.

1527 Section 24. Section **67-1a-3** is amended to read:

1528 **67-1a-3. Employment of personnel.**

1529 The lieutenant governor, with the approval of the governor, may employ personnel
1530 necessary to carry out the duties and responsibilities of [~~his~~] the lieutenant governor's office.

1531 Section 25. **Repealer.**

1532 This bill repeals:

1533 Section **20A-16-406, Disposition of ballot by county clerk.**

1534 Section **20A-16-407, Duty of election judges.**

1535 Section **67-1a-14, Study of signing a petition online -- Report.**